

REGULATION OF POLE ATTACHMENTS AND PENALTIES AND FORFEITURES

SEPTEMBER 22, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. STAGGERS, from the Committee on Interstate and Foreign Commerce, submitted the following

SUPPLEMENTAL REPORT

[To accompany H.R. 15372]

This supplemental report corrects the seventh paragraph under the section entitled "Pole attachments" under the heading "Background and Need for Legislation" which was incorrectly stated in the report to accompany the bill (H.R. 15372), as reported, submitted September 20, 1976 (H. Rept. 94-1630). Such seventh paragraph should read as follows:

H.R. 15372 allows any State to assert jurisdiction during the 9-month period following the date of enactment. Following the 9-month period, the Commission is required to adopt rules and to regulate the rates, terms and conditions for pole attachments in those States that have not commenced regulatory plans which have been approved by the Commission. States may seek an exemption from Commission jurisdiction at any time thereafter as well.

In order to be exempted from Commission jurisdiction, the State must apply to the Commission and demonstrate that it regulates pole attachments in a manner designed to provide just and reasonable rates, terms and conditions.

The Committee intends that the Commission's review be confined to determining whether the State has adequate jurisdiction to regulate the rates, terms and conditions for pole attachments. The State must provide a forum for both utilities and cable companies and must assure procedural due process for all parties.

In exercising this authority, the Commission may not specify rates, terms or conditions for pole attachments. The Committee specifically rejected requiring the FCC to promulgate minimum standards and also believes that the FCC should not attempt to set such standards informally. The Commission is not to be an "appeals court" for rates adopted by the States.

If the Commission is satisfied with a State's regulatory program and grants an exemption from Federal regulation, the Commission, upon the request of an interested person, may review that program only if it finds that such program no longer meets the criteria for exemption. If the Commission so finds, it may withdraw its approval of the exemption.

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